



Entered on Docket
November 09, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The HFAH Clear Lake, LLC Loan; Except
for Proof of Claim of Arthur I. Kriss**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The HFAH Clear Lake, LLC Loan ("HFAH Clear Lake, LLC Loan") [DE 8892] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the HFAH Clear Lake, LLC
2 Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8892] is sustained; and
5 2. The claims listed on **Exhibit A** attached, except for the proof of claim No.
6 10725-01874 filed by Arthur I. Kriss, are 20% allowed and 80% disallowed because those
7 claims are based entirely upon an investment in the HFAH Clear Lake, LLC Loan.
8

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- _____ No party appeared at the hearing or filed an objection to the motion.
- XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- _____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Arthur I. Kriss</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

HFAH Clear Lake, LLC

Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Approximate Investment In the HFAH Clear Lake, LLC Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-01826	12/29/2006	Kenneth H & Phyllis P Wyatt Family Trust	Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	54,083.35	43,266.68	10,816.67
10725-01874	4/8/2007	Kriss, Arthur J	2398 West 1050 North Hurricane, UT 84737	50,000.00	40,000.00	10,000.00
10725-00931	11/2/2006	Lanzas, Jose	3345 Spotted Fawn Dr Orlando, FL 32817	20,000.00	16,000.00	4,000.00
10725-00480	10/6/2006	Mamuad, Tamra	7935 Placid St Las Vegas, NV 89123-1848	25,000.00	20,000.00	5,000.00
10728-00051	9/27/2006	Mollie Schoichet & Henrietta Aronson	*Undeliverable Address* 21150 Point Pl Apt 606 Aventura, FL 33180-4034	100,000.00	80,000.00	20,000.00
10725-00010-2	12/6/2006	Moon Trustee Of The Decedent's Tr Of The Restated Moon Irr Tr Dtd 6/12/1987, Frieda Moon	2504 Callita Ct Las Vegas, NV 89102	51,033.34	40,826.67	10,206.67
10725-01369	11/13/2006	P Morgan Trust	Paula A Morgan Tee 1005 Windfair Village St Las Vegas, NV 89145-8664	50,000.00	40,000.00	10,000.00
10725-02390	1/16/2007	Prescia Investments	Anthony & Nancy Managers 5475 West Teco Ave Las Vegas, NV 89118-2814	75,000.00	60,000.00	15,000.00
10725-00071	6/1/2006	Prescia, Anthony & Nancy	5475 W Teco Ave Las Vegas, NV 89118	75,000.00	60,000.00	15,000.00
10725-02478	6/4/2007	Rausch, Lawrence	10708 Brinkwood Ave Las Vegas, NV 89134	44,922.00	35,937.60	8,984.40

EXHIBIT A

2414596.1